

State Workforce Development Board – BY-LAWS

Article I – Name

This body has been established as a Human Resource Investment Council in accordance with Title VII of the Job Training Partnership Act Amendments of 1992, 29 U.S.C. 1792 et. Seq., and shall be known as the State Workforce Development Board (hereinafter referred to as the “Board”). The Board was established by Governor Don Sundquist through Executive Order #13 on June 23, 1997.

Article II – Purpose

Section 1. The primary responsibility of the Board shall be to advise the Governor on all matters of workforce development strategy for the state of Tennessee. The Board shall not operate or provide services directly. All recommendations by the Board shall be subject to approval by the Governor.

Section 2. The Board shall replace the State’s Job Training Coordinating Council. In the absence of statutory prohibition, the Board may also carry out the duties and functions of other existing State councils as described under laws relating to federal and state workforce development programs where the Governor and Commissioner of the State department responsible for the administration of such program jointly agree to include the program within the jurisdiction of the Board.

Section 3. The Board shall identify the workforce development needs of the State, analyze and assess new federal policy and program initiatives, and make recommendations toward improving statewide policies, goals, and guidelines for the coordination of all workforce education, employment, and training programs. Such recommendations should transcend traditional organizations and program boundaries and focus rather on providing quality services to those citizens who use such services, and on the needs of the employers who increasingly depend upon the workforce development system to secure qualified workers. Where possible, workforce education, training, and employment services should complement the State's economic development strategies. The Board shall advise the Governor on these matters and attend to those specific tasks which may be delegated to the board from time to time by the Governor.

Section 4. The Board shall review the provision of services and the use of funds and resources under applicable Federal workforce development programs and advise the Governor on methods of improving and coordinating the use of such funds and resources. Where necessary, the Board shall develop and implement appropriate State and local performance measures to ensure that such resources and funds are being used effectively.

Section 5. The Board shall make an annual report to the Governor which shall be a public document. It shall issue such other studies, reports, or documents as it deems advisable to assist in improving the delivery of workforce development services and in carrying out the purposes of the State Workforce Development System.

Section 6. The Board shall identify the employment and training and vocational education needs throughout the state; assess the extent to which employment and training, vocational education, rehabilitation services, economic development, temporary assistance for needy families, and other federal, state, and local programs and services represent a consistent, integrated, and coordinated approach to meeting such needs.

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Section 7. The Board shall review plans of all state agencies providing employment, training, and related services, and provide comments and recommendations to the Governor, the state legislature, the state agencies, and the appropriate federal agencies on the relevancy and effectiveness of employment and training, and related service delivery systems in the state.

Article III – Membership

Section 1. The membership of the Board shall consist of thirty-six (36) members who shall be appointed by the Governor. The Board shall represent stakeholders who are part of the workforce development system. The membership of the Board shall conform to the requirements of Title VII of the Job Training Partnership Act Amendments of 1992, 29 U.S.C. 1792 et. Seq. Board members shall include:

- State Agency heads responsible for the administration of Workforce Development Programs which include the Commissioners of the Tennessee Department of Education, Human Services, Labor, Economic and Community Development, and Employment Security;
- Representatives from business and industry; representatives from organized labor; representatives from local public education, postsecondary education and secondary or postsecondary vocation education; and representatives of community-based organizations;
- The Board may also include representatives from the State legislature, local government, State and local workforce development programs, and those with special knowledge with respect to special education and career development needs of hard-to-serve individuals.

Section 2. Of the initial appointments to the Board, one-third (1/3) shall be for a two-year term, one-third (1/3) shall be for a three year term, and one-third (1/3) shall be for a four-year term.

Article IV – Officers

The officers of the Board shall be a chairperson and a vice-chairperson to be designated by the Governor of Tennessee from among non-governmental members. These officers shall perform the duties prescribed in these By-Laws and by the parliamentary authority adopted by the Board.

Section 1. The Chairperson of the Board shall preside at all meeting of the Board if present; execute instruments, when authorized by the Board, in the name of the Board; Call special meetings of the Board, or reschedule a regular meeting of the Board; Be a member of all standing committees, and he/she shall be a Chairperson of the Executive Committee; Exercise and Performa such other powers and duties as may from time to time be assigned to him/her by the Governor, or the Board, or prescribed by the by-laws; and, in general, to perform all the duties incident to the office of Chairperson.

Section 2. In the absence of the Board Chair, the Vice-Chair shall perform all the duties of the Chair, and, when so acting, shall have all the powers of, and be subject to all the restrictions upon, the Chairperson. The Vice-Chair shall have such other powers, and perform such other duties, as, from time to time, may be prescribed by the Board or the By-Laws.

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Section 3. In the absence of the Chair and Vice-Chair, the Chair shall nominate a member of the Board to preside over the regularly scheduled meeting.

Article V- Meetings

Section 1. The regular meetings of the Board shall be held at least quarterly at a time and place determined by the chairperson. Meetings shall be publicly announced, open, and accessible to the public. Initially, the Board may elect to meet more frequently in order to address the issues confronting the Workforce Development System.

Section 2. Special meetings may be called by the chairperson, and shall be called upon the written request of five members of the Board. The purpose of the meeting shall be stated in the call. Except in cases of emergency, at least three days notice shall be given.

Section 3. A quorum shall be constituted by forty (40) percent of the State Board's membership, plus one (1) at a meeting. The Board members present at a duly called or held meeting at which a quorum is present may continue to do business until adjournment, notwithstanding the withdrawal of enough Board members to leave less than a quorum.

Section 4. No member shall cast a vote on the provision of services by that member (or any organization which that member directly represents), or vote on any matter which would provide direct financial benefit to that member. Voting by mail ballot shall not be allowed. Members of the Board may be allowed to vote by proxy only on those votes concerning amendments to these by-laws. Proxy voting on all other matters shall not be allowed.

Board members shall have the right to vote on amendments to the by-laws, either in person or by means of his/her agent authorized by a written proxy, executed by such member, and filed with the Chairperson. A proxy is not valid after the expiration of two (2) months from the date of its execution, unless the person executing it specifies therein the length of time for which such proxy is to continue in force, which in no case shall exceed one(1) year from the date of its execution.

Any proxy duly executed continues in full force and effect until expiration of time described above, another instrument revokes it, or a duly executed proxy bearing a later date is filed with the Chairperson. The Board may, before any meeting where a vote on amendments to the by-laws is not to occur, prescribe additional regulations concerning the manner of execution and filing of proxies, and the validation of the same, which are intended to be voted at any such meeting. However, at any Board meeting at which amendments to the by-law are to be voted upon, a designee or representative of a Board member holding a valid proxy may be counted to purposes of determining a quorum. However, such proxy shall not be allowed to vote on any other matters at said meeting, other than the amendment(s) to the by-laws.

Section 5. Any board member absent for two (2) consecutive regularly scheduled meetings shall be contacted by the Workforce Development staff. Any Board member absent for three (3) consecutive regularly scheduled meetings shall be considered to have resigned. The chairperson of the Board shall request the governor to fill the vacant position.

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Article VI – Executive Committee

Section 1. The officers of the Board and the chairperson of each committee established under Article VII shall constitute the Executive Committee.

Section 2. The Executive Committee shall have supervision of the affairs of the Board between its business meetings, and conduct necessary business to ensure compliance with the Title VII of the Job Training Partnership Act Amendments of 1992, 29 U.S.C 1792 et seq. and applicable federal regulations. The Executive Committee may make recommendations to the Board, and perform such other duties as are specified in the By-Laws. The Executive Committee shall be subject to the order of the Board, and none of its acts shall conflict with these By-Laws or policies of the Board.

Section 3. The Board Chair shall chair the Executive Committee and call meetings when necessary at a date, time, and place of his/her choosing. The Chairperson shall call a special meeting upon the written request of three members of the Executive Committee.

Article VII – Committees

Section 1. The Board, by an affirmative vote of a majority of the members present, may create such other committees that shall have, and may exercise, such powers as shall be conferred or authorized by resolution of the Board. A majority of any such committee may determine its action, and fix the time and place of its meetings, unless the Board shall otherwise provide. The Board, by such affirmative vote, shall have power, at any time, to change the powers, and to dispose of, any such committee.

Section 2. Committees shall meet as necessary to fulfill their responsibilities.

Section 3. The Chairperson of the Board shall have the authority to designate members of the Board to sit on committees, at the chair's discretion. The Chairperson of the Board shall have the authority to appoint committee chairpersons.

Article VII – Parliamentary Authority

The rules contained in the current edition of Robert's Rules of Order, Newly Revised, shall govern the Board in all questions which are applicable and in which they are not inconsistent with these By-Laws and any special rules of order the Board may adopt.

Article IX – Amendment of By-Laws

These By-Laws may be amended at any quarterly meeting of the Board by a two-thirds vote. No vote to amend the by-laws shall be taken unless notice, in writing, and a copy of the proposed changes have been given to the Board members at least two (2) weeks prior to the Board meeting at which the vote on said amendment is to be taken.

Amended by the State Workforce Development Board on October 23, 1998, in Nashville, Tennessee.

Amended by the State Workforce Development Board on March 11, 2005, in Clarksville, TN.